

REMARKS**INTRODUCTION:**

In accordance with the foregoing, the claims have been retained in their present form. No new matter is being presented, and approval and entry are respectfully requested.

Claims 5, 7 and 9-13 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §103:

A. In the Office Action, at pages 2-3, claims 5, 7, 9, 12, and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cotugno et al. (USPN 6,198,480) and Bergman (USPN 5,879,162). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As an initial point of clarification, Cotugno et al. was filed as a provisional application No. 60/103,356, on October 7, 1998, whereas the foreign application on which priority of the instant application is based was first filed in the European Patent Office on December 1, 1997. Enclosed herewith are a copy of the foreign application (in German) on which priority of the instant application is based and an English translation of the foreign application on which priority of the instant application is based, along with a corresponding statement from the translator in compliance with 37 CFR 1.55(a)(4). As such, it is respectfully submitted that the applicants have established a date of invention of at least December 1, 1997. MPEP 210.15. Since this date of invention is prior to the publication of Cotugno et al. on October 7, 1998, Cotugno et al. does not qualify as prior art under 35 U.S.C. 102(a) as it was not "described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent." Hence, Cotugno et al. may not be utilized as a basis for rejection under 35 U.S.C. §103. Therefore, it is respectfully requested that the Examiner reconsider and withdraw the rejections of claims 5, 7, and 9-13 in view of Cotugno et al.

Bergman discloses a user interface comprising a "Class ID" column and a "Name" column, which the Examiner denotes as a name portion, and "Teacher," "Room," "Grade," and "Monday" columns which the Examiner denotes as a data portion, wherein the name portion and the data portion are displayed in a same partial display window, but only the data portion is scrolled to the left then the scroll bar is used to reveal other columns not visible at the right of the display. However, Bergman does not disclose a method for visual display unit-based definition and parameterization of a software interface of a software component of a function block of a software application of an industrial automation system, the software interface having at least

one interface parameter that has at least one editable attribute, wherein at least one interface parameter has a bi-unique designation corresponding to the function block and a hierarchical structure, the method comprising: providing a display window which can be divided vertically or horizontally; displaying in a first partial window of the display window the hierarchical structure of the at least one interface parameter and the function block of the bi-unique designation of the software component of a software application of the industrial automation system; selecting one interface parameter and the hierarchical structure using a movable cursor; and displaying in a second partial window of the display window a detailed display of the selected interface parameter, the detail display including a display of at least one editable attribute of the selected interface parameter and allowing the editable attribute to be defined and parameterized within the hierarchical structure of the function block; for each editable attribute of the at least one editable attribute, providing a name portion and a data portion, the name portion being used to identify the editable attribute, the data portion being scrollable horizontally if a graphical representation of the data portion requires more space than a space offered by the display window, the graphical representation of the name portion being stationary; and arranging the name portion and the data portion in horizontal rows, the horizontal rows being arranged one below another, wherein the position of the name portion is retained during horizontal scrolling, as is recited in independent claim 5 of the present invention. Since independent claims 12 and 13 recite a method and software in similar fashion to independent claim 5 of the present invention, it is submitted that Bergman also does not disclose independent claims 12 and 13 of the present invention for similar reasons.

Since Cotugno et al. is not available as prior art under 35 U.S.C. §103 and Bergman alone does not disclose the present claimed invention as set forth in claims 1, 12 and 13, claims 1, 12 and 13 are submitted to be patentable under 35 U.S.C. §103(a) over Cotugno et al. (USPN 6,198,480) and Bergman (USPN 5,879,162). Since claims 7 and 9-11 depend from claim 1, claims 7 and 9-11 are submitted to be patentable under 35 U.S.C. §103(a) over Cotugno et al. (USPN 6,198,480) and Bergman (USPN 5,879,162) for at least the reasons that claim 1 is submitted to be patentable under 35 U.S.C. §103(a) over Cotugno et al. (USPN 6,198,480) and Bergman (USPN 5,879,162).

B. In the Office Action, at page 3-4, claims 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cotugno et al. (USPN 6,198,480) and Bergman (USPN 5,879,162) as applied to claims 5 and 7 above, and further in view of Glassey (USPN 5,604,854). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

As noted above, claim 1 is submitted to be patentable under 35 U.S.C. §103(a) over

Cotugno et al. (USPN 6,198,480) and Bergman (USPN 5,879,162). Since claims 10 and 11 depend, directly or indirectly, from claim 1, claims 10 and 11 are submitted to be patentable under 35 U.S.C. §103(a) over Cotugno et al. (USPN 6,198,480) and Bergman (USPN 5,879,162).

Because Applicants do not discern any suggestion, teaching, or motivation to combine the prior art references cited against the claimed invention, one of the references is not available as prior art under 35 U.S.C. §102, and even if combined, the remaining cited references fail to teach or suggest the present invention, it is respectfully submitted to that the combination is insufficient to suggest that the present invention is obvious. The implicit generalized finding by the Examiner that, when one of ordinary skill in the art was faced with the problem solved by the present invention, the combination claimed by the present invention would have been obvious is submitted to be insufficient. The court has previously held that "[t]he suggestion to combine may be found in explicit or implicit teachings within the references themselves, from the ordinary knowledge of those skilled in the art, or from the nature of the problem to be solved." WMS Gaming, Inc. v. International Game Tech., 184 F.3d 1339, 1355, 51 USPQ2d 1385, 1397 (Fed. Cir. 1999). However, there still must be evidence that "a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed." In re Rouffet, 149 F.3d at 1357, 47 USPQ2d at 1456; see also In re Werner Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) ("[A] rejection cannot be predicated on the mere identification . . . of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed."). Here, there was no such evidence presented. The only evidence on this issue presumes the very problem at hand-- that "if someone of ordinary skill in the art had been given the Bergman reference and the Glassey reference on December 1, 1997 (the date of the priority application for the present invention) and [if] they were asked to solve the problem solved by the present invention, they would have come up with the present invention. Hence, the Applicants respectfully submit that the Examiner's contention that a skilled artisan would combine these references is clearly erroneous.

Cotugno et al. is not available as prior art under 35 U.S.C. §102. In addition, there is no teaching or suggestion of combining Bergman (USPN 5,879,162) and Glassey (USPN 5,604,854). As noted by the Examiner, Glassey discloses, in col. 8, lines 48-56, means for **reorganizing** data in a spreadsheet by clicking and dragging columns or rows to rearrange the data. Then, the Examiner concludes that, in view of Glassey, together with Cotugno et al. and

Bergman, it would have been obvious to **freely arrange** columns or rows. Cotugno et al. is not available as prior art under 35 U.S.C. §102. In addition, claims 10 and 11 of the present invention do not disclose **rearranging** columns or rows, but rather disclose **freely selecting and storing** a sequence of rows or columns. Thus, it is respectfully submitted that claims 10 and 11 are patentable over Cotugno et al. (USPN 6,198,480) and Bergman (USPN 5,879,162) as applied to claims 5 and 7 above, and further in view of Glassey (USPN 5,604,854), alone or in combination.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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